

September 27, 2006 BS



ADDENDUM

06SN0311

John Nolde

Matoaca Magisterial District
Southeast Quadrant of Woolridge Road and Watermill Parkway

REQUEST: Amendment to Conditional Use Planned Development (Case 03SN0214) relative to uses and gross floor area for property known as part of Tract G within Edgewater at the Reservoir development.

PROPOSED LAND USE:

A commercial center is proposed. Specifically, this amendment would allow certain uses permitted by right or with restrictions in the Neighborhood Business (C-2) District as well as fast food restaurants, exclusive of drive-in windows. In addition, the size of individual buildings would be increased to a maximum of 8,000 square feet of gross floor area.

On September 15 and 18, 2006, the applicant submitted revisions to Proffered Conditions 1 and 2. Proffered Condition 1 originally allowed all uses permitted by right or with restrictions in the Neighborhood Business (C-2) District plus fast food restaurants without drive-in windows. This proffer has been amended to limit the number of permissible C-2 uses plus fast food restaurants without drive in windows.

Proffered Condition 2 originally allowed the size of individual buildings to be increased to a maximum of 10,000 square feet of gross floor area. This proffer has been amended to limit the size of individual buildings to 8,000 square feet of gross floor area.

Based upon the submission of the revised proffered conditions, this case is substantially different from that considered by the Planning Commission. As such, staff recommends that the Board remand this request to the Planning Commission. However, should the Board wish to consider these amendments, staff continues to recommend denial of this request for reasons noted in the "Request Analysis".

(OVER)

(NOTE: PROFFERED CONDITIONS WERE AMENDED SUBSEQUENT TO THE ADVERTISEMENT OF THE CASE. THEREFORE, THE BOARD WOULD NEED TO SUSPEND THE PROCEDURES TO CONSIDER THESE CHANGES.)

PROFFERED CONDITIONS

1. **Uses:** In addition to those uses permitted by right or with restrictions in Case 03SN0214, the following uses shall be permitted:
 - a. Fast food restaurant uses without drive in windows.
 - b. Carry-out restaurants uses without drive in windows.
 - c. Health clubs.
 - d. Office supply stores.
 - e. Mailing services stores.
 - f. Printing shops, providing that only copying and/or duplicating machines are used.
 - g. Art schools, galleries, or museums.
 - h. Schools for music or dance.
 - i. Pet shops, including pet grooming.
 - j. Catering establishments.
 - k. Medical facilities or clinics.
 - l. Hobby stores.
 - m. Clothing stores.
 - n. Curio or gift shops.
 - o. Eyewear sales and services.
 - p. Jewelry stores.
 - q. Paint and wallpaper stores.
 - r. Toy stores. (P)
2. **Development Standards:** Development shall conform to the requirements of Case 03SN0214, except as follows:
 - a. Individual buildings. Individual buildings shall not exceed 8,000 square feet of gross floor area. Such buildings may be located within 200 feet of an existing residentially zoned parcel. (P)

(Proffered Condition 1 is in addition those uses permitted by Condition 1 of Case 03SN0214 for the request property only. Proffered Condition 2 supersedes Condition 2.b of Case 03SN0214 for the request property only. Except for Proffered Conditions 1 and 2, all previous conditions and proffered conditions of Case 03SN0214 shall remain in effect.)



August 15, 2006 CPC
September 27, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0311

John Nolde

Matoaca Magisterial District
Southeast Quadrant of Woolridge Road and Watermill Parkway

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PROPOSED LAND USE:

A commercial center is proposed. Specifically, this amendment would allow uses permitted by right or with restrictions in the Neighborhood Business (C-2) District as well as fast food restaurants, exclusive of drive-in windows. In addition, the size of individual buildings would be increased to a maximum of 10,000 square feet of gross floor area.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed amendments do not conform to the Upper Swift Creek Plan which suggests that convenience nodes within planned residential neighborhoods should be generally limited to Convenience Business (C-1) uses that serve the immediate area.

- B. The proposed use exceptions are not designed to provide goods and services to nearby existing and proposed residential communities as intended under the original conditions of zoning.
- C. The existing limitations on gross floor area of buildings were designed to provide an effective land use transition between the commercial uses and the adjoining residential community.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

1. Uses: In addition to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District, the following uses shall be permitted:

Fast Food Restaurant uses without drive in windows. (P)

2. Development Standards: Development shall conform to the requirements of the Neighborhood Business (C-2) District in Emerging Growth District Areas, except as follows:

Individual buildings. Individual buildings shall not exceed 10,000 square feet of gross floor area. (P)

(Proffered Condition 1 is in addition those uses permitted by Condition 1 of Case 03SN0214 for the request property only. Proffered Condition 2 supersedes Condition 2.b of Case 03SN0214 for the request property only. Except for Proffered Conditions 1 and 2, all previous conditions and proffered conditions of Case 03SN0214 shall remain in effect.)

GENERAL INFORMATION

Location:

Fronts the east line of Woolridge Road, the south line of Watermill Parkway and the west line of Sailboat Drive. Tax ID 719-687-Part of 2245.

Existing Zoning:

R-9 with Conditional Use Planned Development

Size:

4.1 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West - R-9 with Conditional Use Planned Development; Vacant

South - R-9 with Conditional Use Planned Development; Commercial

East - R-9 with Conditional Use Planned Development; Single family residential or vacant

UTILITIES

Public Water and Wastewater Systems:

The proposed amendment will have no impact on use of the public water and wastewater systems. Use of the public water and wastewater systems to serve this site is required as a condition of the original zoning. (Case 88S008, Condition 13)

ENVIRONMENTAL

Drainage and Erosion:

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

Swift Creek Fire Station, Company Number 16 currently provides fire protection and emergency medical service.

This request will have a minimal impact Fire and EMS.

Transportation:

The existing Conditional Use Planned Development (Case 03SN0214) permits high-traffic generators such as a convenience store with gas pumps and shopping centers. This request is not anticipated to increase the traffic permitted by development under the existing CUPD.

LAND USE

Comprehensive Plan:

Lies within the boundaries of to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. Further, the Plan indicates that certain locations within planned residential neighborhoods may be appropriate for the development of convenience nodes. Such nodes would be designed to provide limited services to residents within the immediate area. These nodes should be located at one (1) corner of an intersection of two (2) collector streets or a collector and an arterial street and cover no more than three (3) acres nor exceed a density of 5,000 square feet of gross floor area per acre.

Area Development Trends:

Surrounding properties are zoned Residential (R-9) with Conditional Use Planned Development. As part of the original Greenspring I development, these properties were zoned for a mix of residential, office and commercial uses.

Zoning History:

On May 25, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning on the request property and the surrounding properties to Residential (R-9) and Office Business (O) with Conditional Use Planned Development to permit a mix of residential, office, commercial and recreational Uses (Case 88S008). The project, which contained approximately 1,313 acres, was commonly known as Greenspring.

On September 27, 1995, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved various amendments to Case 88S008, affecting an 809 acre portion of the original Greenspring development (Case 95SN0307). Included in this amendment was the creation of an additional commercial tract (Tract G) consisting of approximately 6.1 acres. Conditions of zoning required that development within Tract G conform to the requirements of Convenience Business (C-1) District. A portion of Tract G represents the subject property.

On January 28, 2004, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved an amendment to Case 95SN0307) relative to uses, hours of operation and gross floor area for Tract G. Specifically, permitted uses were expanded to include gasoline sales, with limited pumps/fueling stations, and an associated self-service, automatic, single-bay motor vehicle wash. Further, operating hours were extended for convenience store and restaurant uses from 9:00 p.m. to 11:00 p.m. and the size of one (1) office or child care center located within 200 feet of existing residentially-zoned property could be increased from 5,000 to 6,500 gross square feet.

Development Standards:

Except as amended by Case 03SN0214, Condition 6 of Case 95SN0307 requires that development on the subject property conform to the requirements of Emerging Growth Area for Convenience Business (C-1) District which address access, parking, landscaping, architectural treatment, pedestrian access, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses:

Conditions of zoning permit the development of Convenience Business (C-1) uses, a gasoline sales limited to four (4) pump islands containing eight (8) fueling stations and a self-service, automatic, single-bay motor vehicle wash associated with the gasoline sales. (Case 03SN0214: Condition 1)

The applicant is requesting to expand the uses to include those permitted by right or with restrictions in the Neighborhood Business (C-2) District as well as fast food restaurants exclusive of drive-in windows. Fast food restaurants are first permitted in the Community Business (C-3) District. (Proffered Condition 1)

As proposed, these uses are not designed to provide goods and services to nearby existing and proposed residential communities of Greenspring project as intended under the original conditions of zoning and the Plan, but rather to attract customers from a wider market area.

Individual Building Size:

Current conditions restrict the square footage of buildings located within 200 feet of an existing residentially zoned parcel to 5,000 square feet of gross floor area, except for a child care center or office use which may be increased to 6,500 square feet of gross floor area (Case 03SN0214: Condition 2.b). Beyond this 200 foot distance, the building size can be increased to a maximum of 8,000 square feet of gross floor area. The applicant has requested that all buildings located on the property be permitted a maximum of 10,000 square feet of gross floor area, regardless of their proximity to residentially zoned properties. (Proffered Condition 2.b)

The existing limitations on gross floor area of buildings were designed to provide an effective land use transition between the commercial uses and the adjoining residential community. Increasing these limitations will not ensure maximum compatibility with, and minimal impact on, area residential development.

CONCLUSION

The proposed amendments do not conform to the Upper Swift Creek Plan which suggests that convenience nodes within planned residential neighborhoods should be generally limited to Convenience Business (C-1) uses that serve the immediate area. The proposed use exceptions

are not designed to provide goods and services to nearby existing and proposed residential communities as intended under the original conditions of zoning.

Further, the existing limitations on gross floor area of buildings were designed to provide an effective land use transition between the commercial uses and the adjoining residential community. Increasing these limitations will not ensure maximum compatibility with, and minimal impact on, area residential development.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (8/15/06):

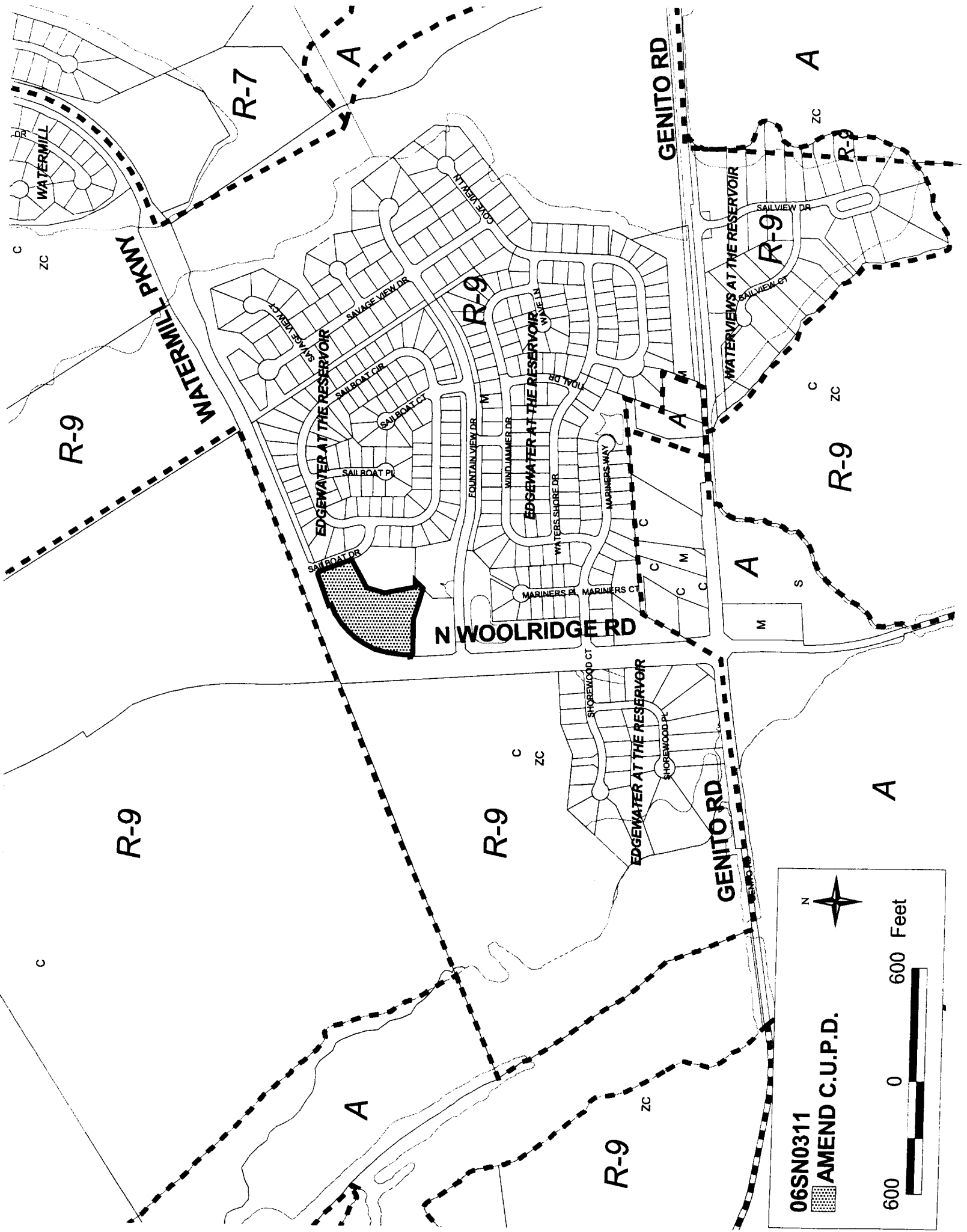
The applicant did not accept the recommendation. There was opposition present. The opposition expressed concerns relative to the impact on traffic and intensification of commercial uses in proximity to area residential.

Messrs. Wilson and Gecker indicated that they may be in a position to support amendments if additional restrictions were offered to limit the types of commercial uses to those which would serve the neighborhood and size of uses/buildings.


On motion of Mr. Bass, seconded by Mr. Gecker, the Commission recommended denial of this request.

AYES: Messrs. Wilson, Gecker, Bass, Gulley and Litton.


The Board of Supervisors, on Wednesday, September 27, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0311

 AMEND C.U.P.D.


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600

0

600 Feet



06SN0311

 AMEND C.U.P.D.

N



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